



COMMITTEE ON ELECTIONS, RULES, ORDINANCES, ORDERS AND CLAIMS

Councilor David A. Murphy, Chair

Councilor Jesse M. Adams

Councilor Maureen T. Carney

Meeting Minutes

Monday, January 14, 2013

6:00 pm – 8:00 pm

City Council chambers, Wallace J. Puchalski Municipal Building
212 Main Street, Northampton, MA

1. Members present/absent: Councilor David A. Murphy, Councilor Jesse M. Adams, Councilor Maureen T. Carney, Councilor William H. Dwight (for Item #8), Planning Board members: Francis Johnson, Anne DeWitt Brooks, Debin Bruce, John Lutz.
2. Councilor Murphy called the meeting to order at 6:00 p.m.
3. Councilor Murphy announced the audio-recording of the meeting. Councilor Murphy announced that the Clerk was absent due to sickness.
4. Approval of Minutes of November 19, 2012 and December 10, 2012. Councilor Carney moved approval of the minutes; Councilor Adams seconded. The motion passed unanimously (3-0).
5. Public Comment None
6. CLAIMS:
 - Shiner – Property Damage Claim of October 2, 2012 (*continued from December 10, 2012*)

No one was present for the claim. Councilor Carney questioned the statements of the previous meeting. The December 12, 2012 email from Ned Huntley, DPW Director states that no records or work orders indicate reporting of this pothole.

Councilor Carney moved to deny the claim; Councilor Adams seconded. The motion to deny passed unanimously (3-0).

7. ORDINANCES:

- Ordinance: Amend §312-103-II No Parking Certain Times – Middle Street
(*Temporary Regulations Ended July 30, 2012*)

Councilor Murphy gave a brief history of this Ordinance, which began in 2011 and was made a temporary project in 2012, expired in Fall 2012. The DPW was unable to mark requested lines before the winter season. Several unidentified residents spoke in favor of the ordinance.

Dr. Joseph Tassoni spoke of the medical staff's efforts to cooperate with the neighbors by turning off lights and using other good measures. Dr. Tassoni also stated that he may consider hiring a private security so that neighbors do not harass his staff.

Karan Faszczka, liaison for the medical staff, noted that the street is narrow, and lines would be beneficial to try to improve the parking situation.

Councilor Adams noted that an opportunity to see if a compromise would work has not been tried. Councilor Carney noted that there has been additional leased parking at the parish by the medical practice.

Councilor Murphy noted that the Ordinance should be amended to "8:00 a.m. to 6:00 p.m.".

Councilor Carney moved to amend the Ordinance to "8:00 a.m. to 6:00 p.m."; Councilor Adams seconded. The motion to amend passed unanimously (3-0).

Councilor Carney moved to send the Ordinance to the full City Council, with no recommendation; Councilor Adams seconded. The motion passed on a voice vote of 2 Yes, 1 No (Councilor Adams).

Councilor Murphy noted that if the Ordinance fails at City Council, the DPW would be asked to take the signs out in the Spring 2013.

8. 6:30 p.m. – Public Hearing – Joint Meeting of Committee on Elections, Rules, Ordinances, Orders and Claims and Planning Board:

Councilor Murphy opened the Joint Public Hearing at approximately 6:44 p.m. (per audiotape). Councilor Carney seconded. The motion passed unanimously (Planning Board members were not identified by name or number present).

- Ordinance: Amend §350-10.5, 350-10.6, 350a et seq. Delete Planned Unit Development, Amend Open Space Residential Development to Incorporate Uses Previously Allowed as PUDs (*City Council December 6, 2012 Referred to Planning Board, Committee on Economic Development, Housing and Land Use, and Committee on Elections, Rules, Ordinances, Orders and Claims*)

Carolyn Misch, Senior Planner explained the Ordinances. The Committee on Economic Development, Housing and Land Use voted 3 Yes, 1 No (Councilor Tacy).

- Ordinance: Amend §350-3.4 Rezone Densely Developed Residential Properties Between Barrett Street and Bridge Road from URB to URC to Reflect Current Uses (*City Council December 6, 2012 Referred to Planning Board, Committee on Economic Development, Housing and Land Use, and Committee on Elections, Rules, Ordinances, Orders and Claims*)

Carolyn Misch, Senior Planner explained the Ordinances. Meetings were held with neighbors upon request. The Committee on Economic Development, Housing and Land Use voted unanimously to recommend

Councilor Carney moved to close the joint public hearing; Councilor Adams seconded. The motion to close the public hearing passed unanimously (3-0). The Planning Board took their vote (audiotape was inaudible, unable to determine vote – see Planning Department minutes). The Planning Board left the meeting.

Councilor Carney moved to send *Ordinance: Amend §350-10.5, 350-10.6, 350a et seq. Delete Planned Unit Development, Amend Open Space Residential Development to Incorporate Uses Previously Allowed as PUDs* to City Council with a positive recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

Councilor Carney moved to send *Ordinance: Amend §350-3.4 Rezone Densely Developed Residential Properties Between Barrett Street and Bridge Road from URB to URC to Reflect Current Uses* to City Council with a positive recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

9. ORDINANCES:

- Ordinance: Amend §22-4 Committee on Economic Development, Housing and Land Use: Membership (*Referred by City Council December 20, 2012*)

Councilor Carney moved to send *Ordinance: Amend §22-4 Committee on Economic Development, Housing and Land Use: Membership* to City Council with a positive recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Amend §22-8 Finance Committee: Membership (*Referred by City Council December 20, 2012*)

Councilor Carney moved to send *Ordinance: Amend §22-8 Finance Committee: Membership* to City Council with a positive recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Amend §312-117 Schedule XVI: On Street and Off-Street Handicapped Parking Spaces – Henshaw Avenue (*Referred by City Council December 20, 2012 to Committee on Disabilities, and this Committee*)

Councilor Carney moved to send *Ordinance: Amend §312-117 Schedule XVI: On Street and Off-Street Handicapped Parking Spaces – Henshaw Avenue* to City Council with no recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

- Ordinance: Amend §312-103 Schedule II: No Parking Certain Times – Henshaw Avenue(*Referred by City Council December 20, 2012*)

Councilor Carney moved to send *Ordinance: Amend §312-103 Schedule II: No Parking Certain Times – Henshaw Avenue* to City Council with no recommendation; Councilor Adams seconded. The motion passed unanimously (3-0).

10. Discussion of Councilor Adams' Proposed Changes to City Council Rules.

Councilor Dwight joined the discussion regarding the proposed changes to City Council Rules (attached).

11. NEW BUSINESS –*Reserved for topics that the Chair did not reasonably anticipate would be discussed. None*

At 8:02 p.m., Councilor Carney moved to adjourn and was seconded by Councilor Adams. The motion to adjourn passed unanimously (3-0).

The next meeting is February 11, 2013 at 6:00 p.m.

*Respectfully submitted
From audio,
Mary L. Midura
Executive Secretary*



Fwd: Proposed Council Rules

Jesse Adams <jesse.michaeladams@gmail.com>

Tue, Jan 15, 2013 at 3:42 PM

To: mmidura@northamptonma.gov

I forgot to include you in the email below. Sorry!

----- Forwarded message -----

From: **Jesse Adams** <jesse.michaeladams@gmail.com>

Date: Tue, Jan 15, 2013 at 2:00 PM

Subject: Proposed Council Rules

To: dnarkewicz@comcast.net, AS@sjsamherst.com, Maureen Carney <mtcarney@comcast.net>, Paul Spector <pauldspector@gmail.com>, Pamela Schwartz <pschwartz77@gmail.com>, david.murphy8@comcast.net, .mlabargeward6@aol.com, genetacy@comcast.net, bdwight@comcast.net, Owen Freeman-Daniels <owenfreemandaniels@gmail.com>

Hello,

Last night the Ordinance Committee, along with Council President Dwight, discussed the proposed council rules. Attached please find the draft that will be presented for further discussion at the next Ordinance Committee meeting which will be held on February 7th at 6pm at Council Chambers.

Please submit any recommended changes to me in writing or directly to the Ordinance Committee at the next meeting. If you intend to submit a recommended change, make sure to send it individually to me. Please do not hit 'reply all'. You may also call me to discuss any rules at 413.563.2006.

Thank you,
Jesse



Amended Post Charter Rules.doc

88K



Amended November 4, 2010

CITY OF NORTHAMPTON

COUNCIL RULES 2012-2013 SESSION

CITY OF NORTHAMPTON

MASSACHUSETTS

RULES AND ORDERS OF THE CITY COUNCIL OF THE CITY OF NORTHAMPTON - for 2012-2013

Rules Governing Meetings

1 PRECEDENCE OF RULES. The City Council Meetings shall conform to parliamentary practices as set forth in the Rules and Orders of the City Council. The procedures defined in the most current version of Robert's Rules of Order will serve in all instances not covered by the Council Rules and Orders.

2. QUORUM. A quorum shall consist of not less than five Councilors. In the absence of statutory requirements providing otherwise, a majority of the City Council shall constitute a quorum and may act on a measure, and an affirmative vote of a majority of a quorum shall pass a measure. *Clark v. City Council of Waltham*, 328 Mass. 40.

3 SUSPENSION OF COUNCIL RULES. Suspension of these rules or any part thereof shall require a two-thirds majority of the quorum present.

4 REPEAL OR AMENDMENT OF RULES. City Council Rules and Orders may only be repealed or amended with prior notification of no less than three business days and require a two-thirds majority vote of quorum present.

5 RECOGNITION OF MAYOR. The Mayor is recognized at all Council Meetings.

Duties of the Presiding Officer

6 DUTIES OF THE PRESIDING OFFICER. The Council President shall act as presiding officer of the City Council at every meeting. The duties as presiding officer shall be only those set forth herein:

1. To open the meeting at the appointed time by taking the chair, calling the meeting to order, and ascertaining that a quorum is present;
2. To announce in proper sequence the business that comes before the City Council;
3. To recognize members who are entitled to the floor;
4. To state and to put to vote all questions that legitimately come before the assembly as motions or that otherwise arise in the course of proceedings (except questions that relate to the presiding officer as noted below), and to announce the result of each vote or, if a motion that is not in order is made, to rule it out of order; or, to refuse to recognize obviously frivolous or dilatory motions; (*Dilatory Motions are defined in Robert's Rules, Chapter VI, Section 13, pages 164 & 165; and in Chapter X, Section 39, pages 331 & 332*).
5. To expedite business in every way compatible with the rights of all members of the body;
6. To respond to inquiries of City Councilors relating to parliamentary procedure or factual information bearing on the business of the City Council;
7. To declare the meeting adjourned when the City Council so votes or, where applicable, at the time prescribed in the order of business, or at any time in the event of a sudden emergency affecting the safety of those present.
8. The Council President may state facts, ask questions and give opinions during debate without relinquishing the chair.

7 ORDER OF SUCCESSION OF PRESIDING OFFICER In the case of a vacancy or in the absence of the Council President, the Council Vice-President shall preside and shall retain voting privileges. At a duly called meeting of the City Council when neither the Council President nor the Council Vice-President are present, the City Council shall elect by majority vote, a President pro-tempore, who shall preside for that meeting and shall retain voting privileges.

Should the City Council fail to elect a President pro-tempore in accordance with the preceding sentence, the meeting shall be adjourned.

8 PRESIDING OFFICER'S RIGHT TO LEAVE CHAIR. After any meeting is organized, the presiding officer shall have the right to leave the chair to advocate a position on the measure before the Council. The Chair shall appoint the Council Vice-President, or, in the absence of the Council Vice-President, a qualified City Councilor to perform the duties thereof, but only for the discussion of the measure for that day, or during that meeting. A qualified City Councilor shall be one that has not yet stated a position on the measure before the Council.

Council President

9 Council President Election and Duties. At any meeting when a City Council President is to be elected, the last Council President will preside. If the last Council President is no longer a member of the Council, the longest serving member of the Council will preside. If more than one member of the Council are equal in seniority, the Mayor will be present and will select a presiding officer only for the purpose of electing a Council President. After nominations are made by members of the Council, candidates may present to the council. The duties of the Council President will include all duties pursuant to the charter and also:

1. Duty to assign councilors to serve on any multiple member body on which City Councilors will serve.

10 Council Vice-President Election and Duties. At any meeting when a City Council Vice-President is to be elected, and after nominations are made by members of the Council, candidates may present to the council. The duties of the City Council Vice-President will include all duties pursuant to the charter.

Meeting Format/Requirements

11 CALLING MEETINGS TO ORDER. The presiding officer shall call the City Council to order at the time appointed for the meeting or to which it may have adjourned, if a quorum be present, which shall be determined by calling the

roll. The names of members not present at the meeting shall be recorded by the Clerk of the Council.

12 ORDER OF BUSINESS.

The order of business at every regular meeting of the Council shall be as follows:

- 1) **Roll Call**
- 2) **Public Hearings**
- 3) **Communications from the Mayor**
- 4) **Proclamations, Resolutions, Recognitions and One-Minute Announcements of Events**
- 5) **Presentations**
- 6) **Licenses and Petitions**
- 7) **Approval of minutes of the previous meeting**
- 8) **Reports of Committees, Appointments, and Elections**
- 9) **Recess for Finance Committee**
- 10) **Financial Orders**
- 11) **Orders and Ordinances**
- 12) **Updates from Council President and Committee Chairs**
- 13) **Information Requests (Charter Provision 2-7)**
- 14) **New Business**

The agenda shall be published in this manner and adhered to at all meetings. The presiding officer may implement a change in the order of business unless any single Councilor objects, in which case the rules may be suspended as given in Section 2.

The Mayor may submit agenda items to the Council President who shall place them on the agenda of the next City Council meeting.

All orders, ordinances, and resolutions shall be organized by a number system by the Clerk of the Council and the presiding officer shall announce the number when the City Council is to consider it.

13 MINUTES OF PREVIOUS MEETING. The Clerk of the Council shall submit the minutes of the previous meeting with the council agenda for the next regular scheduled meeting of the City Council.

14 TERMS OF EXPRESSION. In all votes, in which the City Council expresses anything by way of command, the term of the expression shall be "Ordered" (except in case of ordinances), and whenever it expresses opinions, principals, facts or purposes, the form of expression shall be "Resolved."

15 TWO-READINGS RULE Every measure shall have two separate readings on two separate days. When the measure shall have passed two readings, it shall be signed by the clerk and signed by the Enrollment Committee. After having passed two readings, each order, joint resolution or ordinance shall be presented to the Mayor for approval.

16 CONDUCT. All conduct at City Council meetings shall be civil and respectful including Councilors, those addressing the Council and members of the public.

17 PUBLIC COMMENT For a period of time to be determined by the presiding officer preceding each City Council meeting, individual members of the public shall be permitted to address the Council on any matter. The duration of the public session may be extended at the discretion of the presiding officer. Individuals wishing to speak will be recognized by the presiding officer and must state their name and address to the clerk. The presiding officer shall determine and announce the amount of time that individuals have to speak. The presiding officer shall rule out of order during the public comment session any remarks that clearly constitute defamation, with due regard for the distinction between elected officials and city employees who are public figures and those city employees who are not public figures. The presiding officer may order any member of the public who breaks this rule to cease speaking and may preclude any such member of the public from future meetings of the City Council. Councilors will not respond to any comments from the public.

18 NEW BUSINESS.

Any Councilor may introduce any written proposed order, ordinance, or resolution to be considered by the Council at the next meeting, but not to be debated during new business.

19 RECESS. Any Councilor may call for and be granted a recess the length of which will be determined by the presiding officer.

20 PRIORITY OF MOTIONS. When a question is under debate the presiding officer shall receive no motion but to adjourn, to lay on the table, for the previous question, to postpone to a certain day, to commit, to amend, or to

postpone indefinitely. These several motions shall have precedence in the foregoing order, and debate upon any of them shall be in conformity with Robert's Rules of Order.

21 ORDER AND MANNER OF SPEAKING. No person shall speak more than once on a question, to the prevention of any other who has not spoken, and is desirous to speak. The presiding officer may allow a brief immediate response to any statement posed directly to a particular City Councilor by a City Councilor. The presiding officer may request that any speaker discontinue any redundant or verbose speech.

22 CHARTER OBJECTION. On the first occasion that the question on adoption of a measure is put to the City Council, if a single member present objects to the taking of the vote, the vote shall be postponed until the next meeting of the City Council, whether regular or special. If 2 members present object, such postponement shall be until next regular meeting. If it is an emergency measure at least 4 members must object. This procedure shall not be used more than once for any specific matter notwithstanding an amendment to the original matter. A charter objection shall have the privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease. (CHARTER 2-9C)

23 RECONSIDERATION.

- A. When a vote has passed, except for adjournment or to lay on the table, any member voting with the majority may move a reconsideration, to be acted upon at the same meeting.
- B. Any member voting with the minority may move a reconsideration to be acted upon at the next meeting. Minority reconsideration shall have priority over majority reconsideration. Minority reconsideration shall be used to allow time for the submission of new or additional information. Reconsideration shall not be used in a dilatory manner as defined in RROONR pg 164-5 Ch 6, Section 13. Chapter 10, Section 39 331-2.
- C. No motion shall be twice reconsidered.

24 ORDER DURING DEBATE. No member should be interrupted while speaking, but by a call to order, or a request for information, or a question of

privilege to appeal a decision from the presiding officer, or for the correction of a mistake, nor shall there be any conversation among the members while a paper is being read, or a question stated from the presiding officer.

25 DECIDING VOTES. The presiding officer shall decide all votes, but if a member rises to doubt a vote the presiding officer shall order a roll call vote.

26 ROLL CALL VOTES. Any member may request a roll call vote on any question before the City Council and the Clerk shall take the census of the Council in that manner.

27 METHOD OF RECORDING ROLL CALL VOTES. Roll call votes shall be conducted by this method. The first roll call vote of every session of the City Council shall be in alphabetical order. Each roll call vote after that shall progress to the next City Councilor in the alphabet to be the first Councilor voting, so that at the end of every nine roll call votes each Councilor has by alphabetical progression voted first in one of the nine roll call votes.

28 ENDING TIME OF MEETING. Council Meetings shall end no later than 11:00 p.m.

Committees

29 COMMITTEE APPOINTEES TO BE NOTIFIED. The Clerk of the Council shall notify the appointee, in writing, upon their appointment to such committee.

30 FINANCE COMMITTEE - REFERENCE AND REPORT. Every order and resolution authorizing a loan, the levying of a tax or the expenditure of money (with the exception of the printing of the annual reports) shall be referred to the Committee on Finance before being presented to the City Council. It shall be the duty of such committee to report on the relation of such order, resolution, levy or expenditures to the finances of the City, but new provisions shall not be added to such resolution, order, levy or expenditure by said Committee unless directly connected with the financial features thereof, and then by recommendation only.

31 REFERENCE TO COMMITTEES. When any matter is referred to a commission, board, authority, or committee of any agency of the City of Northampton, or to a committee of the City Council, the Clerk of the Council shall notify the chair of said commission, board, authority, or committee of any agency of the City of Northampton, or committee of the City Council of such reference and furnish thereto a copy of the original of all votes or papers pertaining to the subject matter referred. Any committee, board, authority or commission shall report to the Council approval, disapproval or return without recommendation, all in accordance with the City Charter.

32 COMMITTEE'S DUTY TO MEET AND REPORT. It shall be the duty of every committee of the City Council to hold an initial meeting within 6 months after members of the committees have been appointed.

33 REPORTS OF COMMITTEES AND CERTIFICATION BY CLERK. Committees of the Council shall have their reports made in writing and presented for consideration by the full Council at the regular meetings.

34 REPORTS TO BE IN WRITING - COPIES. All reports and other papers submitted to the City Council shall be legible and whenever possible, in electronic format and the Clerk of the Council shall make copies of any papers to be reported by committee at the request of the respective chair thereof.

Council Administration

35 LATE FILE RULE. All orders, ordinances, resolves, contracts and written business to be transacted by the City Council shall be filed with the Clerk of the Council on or before noon on the Friday previous to the date of the meeting at which it is to be first considered. No measures filed after Tuesday noon prior to the date of the Council meeting shall be considered unless it is for a stated, written purpose and receives an affirmative vote of five (6) members of the City Council.

36 ORDINANCES - ENACTING STYLE - FORMS AND NUMBERING. All by-laws passed by the City Council shall be termed "Ordinances," and the enacting style, which shall be but once recited in each ordinance, shall be "Be

it ordained by the City Council of the City of Northampton in City Council assembled, as follows."

There shall be three forms printed; one for the addition of a section to the Code of Ordinances, one for the amendment of a section, and one for the repeal of a section. All ordinances proposed to the City Council shall be presented on one of the three forms prepared.

37 PROPOSED NEW ORDINANCES

Every proposed new ordinance or ordinance amendment (matter) to be submitted for City Council action shall:

- a) Be forwarded to the Mayor and Council President for placement on the agenda of the City Council.
- b) Be referred by the City Council to the committees of the Council and any other boards, authorities or commissions of the City as is deemed appropriate by the Council for action, approval and/or recommendation. In any event, no matter shall be voted on by the City Council until it has been referred to the Committee on Elections, Rules, Ordinance, Orders and Claims (Ordinance Committee).
- c) At or before the meeting at which the Ordinance Committee considers any matter for approval and/or recommendation the City Solicitor shall examine the matter's form and legal character. If there is disagreement between the City Solicitor and the sponsor regarding the correct form or legal character that is not resolved within 30 days after the scheduled meeting of the Ordinance Committee at which the matter shall be on the agenda or if the approval of the City Solicitor does not occur within 30 days of said meeting, the sponsor may request of the chair of the Ordinance Committee that the matter be placed on the agenda of the Ordinance Committee for a discussion of whether or not the Committee will approve and/or recommend the matter to the City Council.

38 LIMITATION OF AMENDMENTS. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

39 CLERK OF THE COUNCIL. The Clerk of the Council shall be appointed by the City Council. In the case of a vacancy, the Mayor shall submit to the City Council the name of an individual who, upon receiving a majority vote in the City Council, shall serve as clerk pro-tempore.

40 CUSTODY OF BOOKS, DOCUMENTS AND PAPERS. The books, documents and papers belonging to the City Council shall be in the care of the Clerk of the Council, who shall keep an accurate list thereof and no book, document or paper shall be taken therefrom by any person without giving notice to the Clerk, who shall enter the names of the persons taking the same in a book kept for that purpose.

41 VIDEO RECORD OF PREVIOUS MEETING TO BE INCLUDED AS PART OF THE MINUTES. Two (2) video records secured from Cable company or its successors that record the entire Council meeting shall be included as a section of the minutes of the previous meeting. One copy shall be sent to Forbes Library.

42 PAPERS ADDRESSED TO CITY COUNCIL. All papers addressed to the Council shall be provided to each Councilor, and become part of the minutes of Council meeting at which the papers distributed.

Miscellaneous & Council Seating

43 SEATING ARRANGEMENTS. The seating arrangement for the members of the City Council shall be determined by the Council President. The Mayor and Finance Director may sit at designated Council chamber desks.

44 MINUTES OF EXECUTIVE SESSION. The City Council shall create and maintain accurate minutes of all executive sessions in accordance with the following:

1. The minutes shall set forth the day, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.
2. Any vote taken in an executive session shall be recorded by roll call and entered into the minutes.

3. The minutes of any executive session and the notes, or other materials used in the preparation of such minutes, and all documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, according to the provisions of M.G.L. Chapter 4 § 7 (26) (a), as long as publication would defeat the lawful purposes of the executive session, but no longer.
4. The Council President, with the assistance of the Clerk of the Council and City Solicitor, shall, at reasonable intervals, not to exceed three months, review the minutes of executive sessions to determine if the relevant statutory provisions warrant continued nondisclosure. Such determination shall be announced at the City Council's next meeting and such announcement shall be included in the minutes of that meeting.
5. Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the Council shall respond to the request within 10 days following receipt and shall release any such minutes that would not defeat the lawful purposes of the executive session.
6. Any notes, documents or other exhibits used in the preparation of the minutes of executive sessions shall be retained for at least 60 days following the approval of the minutes of the executive session by the Council. The Council President shall periodically review said notes and other documents prior to the discarding or destruction thereof.

APPENDICES

SPECIAL PERMIT GRANTING AUTHORITY

Purpose & Intent

These Bylaws and Rules of Procedure shall govern the operation of meetings and business before the Northampton City Council in carrying out its duties and responsibilities as assigned to it by the ordinances of the City of Northampton and the General Laws of the Commonwealth of Massachusetts. Where there appears any conflict between these Rules and either state laws or the City Charter, the Law and Charter shall govern.

For any item of parliamentary procedure not governed by these rules or by appropriate laws the provisions of Robert's Rules of Order (Revised) will govern.

Chair/Moderator

I. Selection of a Chair/Moderator

The City Council President will serve as the presiding officer of the hearing.

MEETINGS AND HEARINGS

II. Notice of Public Hearings

Notice of hearings shall be advertised as required by the provisions of General Law Chapter 40A. In addition to the legally required notices the City Council will make every effort to publish this notice broadly so the public will be fully informed, methods might include the City website, email distribution list and Northampton Community Television.

III. Calling of Public Hearing

All hearings held by the Council as a Special Permit Granting Authority Shall be open to the public.

IV. Public Hearings

1. Public hearings, when called, will be conducted in the following manner:
 - A. The presiding officer will announce that it is time for a Public Hearing and will announce the subject of such hearing.
 - B. The presiding officer will review evidence of adequate advertisement and legal notice and, if found to be appropriate and proper according to law, will have the advertisement read into the record. The presiding officer will then explain the procedure to be followed, including the time limits on speakers' and the fact that each speaker shall give his name and address for the record. By majority vote the City Council may extend the time granted to a particular speaker by the presiding officer. The chair may limit testimony that is repetitive.
 - C. The presiding officer will report on any new or changed information pertinent to the subject, if any, and then have read into the record all memoranda, opinions, comments and recommendations or City departments or boards pertinent to the matter.
 - D. The applicant will be given a reasonable amount of time to make a presentation regarding the matter.
 - E. Other persons supporting the position of the proponents will then be allowed to express the fact of their support and to present such supportive information as was not included in the initial or previous presentations. A five-minute time limit shall apply but the Council could extend the time on a majority vote.
 - F. Before opponents to an application or petition are called to speak, a member of the Council may move for invocation of a summary procedure and, if seconded and approved by a majority of the quorum, may subsequently move to deny the request made by the applicant, based on a finding that the evidence presented was not adequate to justify the request. If the motion for denial is then seconded and is approved by the quorum, the public hearing may be deemed complete.

- G. Those persons speaking in opposition to the position taken by the principal proponent are then allowed to speak, each being allowed to express the fact of his opposition and to present such supportive information as was not included in previous presentations before the Council. A five-minute time limit shall apply and the Council could extend the time on a majority vote.
- H. After all opponents have been heard, the presiding officer will then allow the proponent and or project staff person to respond to any issues/questions raised by the opponents.
- I. After the proponents have responded to the opponents, the opponents shall have an additional opportunity to respond, the presiding officer shall determine which opponent shall respond at which time. A three minute time limit shall apply but the Council may extend the time by majority vote. The motion to extend time is non-debatable.
- J. The presiding officer will then enter all documents received concerning the matter into the record. The applicant or project staff may then answer any questions raised in the letters.
- K. If new information is presented the presiding officer or the Council may allow additional time for the appropriate party to respond. Immediately or in writing later but before the close of the public hearing.
- L. The presiding officer will then hear questions from the general public regarding aspects/issues that have not been addressed in previous testimony. The presiding officer shall refer questions to the appropriate person and may rule questions out of order if the subjects of the questions have already been addressed. Questions may also be submitted in writing.
- M. At any point, a public hearing may be continued or postponed to a time, place and date certain, provided that these rules and procedures are adhered to when it is resumed, or may be continued or postponed to a time, place and date not certain, providing required advertising and notice procedures are followed to announce the time, place and date of resumption. Each meeting is a continuation of the same public hearing.

V. Votes of the Council

All votes for Special Permits shall require a 2/3 majority of the Council to pass.

Applications before the City Council

VI. Permit Applications

Applications for a Special Permit before the City Council shall be prepared in accordance with the procedures in the Northampton Zoning Ordinance and the instruction on and attached to the application form. Every application for action by the Council shall be made on the official application form, and as approved by the Council and adopted by reference in these Bylaws and Rules of Procedure.

Executive Summary Part Two

Rule One: This change came after the Ordinance Committee meeting of December 10th, 2012. The consensus at this meeting was that the most current edition of Robert's Rules of Order should be used as the default.

Rule Two: The second sentence of this proposed rule is in response to the information provided by the City Solicitor Alan Seewald at the Ordinance Meeting of December 10th, 2012. This rule is very important because it means that if five councilors are present city council matters can be voted on and to pass a measure three of five councilors must vote in the affirmative. I cited the Supreme Court case (which is still good law) that decided this because, although the decision may seem counterintuitive, it is binding.

Rule Five: The City Council will likely want to hear from the Mayor at every meeting and this rule will automatically recognize the Mayor.

Rule Six-eight: This rule allows the City Council President as the presiding officer to forgo neutrality and enter into debate freely on any issue without restriction.

Rule Seventeen: This proposed rule will allow the City Council President as presiding officer to ban anyone who does not follow this rule from attending council meetings. The final sentence of this rule prohibits councilors from responding to members of the public. It has been understood that the period of public comment is not interactive but this proposal codifies that understanding.

Rule Eighteen: This proposal serves to important functions:

1. Limits new business to avoid raising topics that public was not aware would be discussed.
2. Gives any councilor the right to have any written measure presented pursuant to this rule put on the next agenda for the next city council meeting.

Rule Twenty-One: The first two sentences of this proposal are consistent with our current practices. The last sentence allows the presiding officer to remind councilors that verbal economy is appreciated and helps makes the meetings more efficient.

Rule Twenty-Two: This language is taken verbatim from our new charter. The purpose of having it expressly in the City Council rules is to remind each councilor that the passage of the new charter establishes this new right.

Rule Thirty-Seven: This proposal will bring the rules into conformity with our practices. Additionally, I've simplified the language for increased readability.

Rule Forty-Three: After the passage of the new charter the Mayor does not sit at the council table but speaks to the council from the podium. This rule allows for this continued practice as well as the flexibility to allow the Mayor, the Finance Director and seat at the council table.

Respectfully Submitted,

Jesse Adams